

Illinois State Board of Education

Special Education Mediation

While mediation is normally an informal process, we recommend that you take some time and prepare in advance. Here are some suggestions we hope will assist you in your preparations

HOW CAN YOU PREPARE FOR MEDIATION?

I. DECIDE WHO YOU WOULD LIKE TO BRING TO MEDIATION

Keep in mind, that the number of participants is generally limited to three persons per party.

- ◆ Consider individuals who understand your interests and will help you work toward an agreement such as a family member, friend, attorney, advocate, etc.
- ◆ Select people who appreciate this as a problem-solving process, not an adversarial procedure.
- ◆ Request a list of available dates and times that each person is available to attend mediation in anticipation of mediator contacts with you.

II. MAKE AN OUTLINE OF YOUR ISSUES AND POSSIBLE SOLUTIONS

- ◆ Have your thoughts and the important points you hope to share written down and in front of you to help you communicate your concerns in a meaningful way and ensure you do not leave out any issues or possible solutions that you believe are important.
 - What is your disagreement about?
 - What do you want as a result?
 - What are you willing to accept?
 - What might be a short-term solution to try for a “trial” period? If a “trial” period is successful, a long term solution can be customized if needed.
- ◆ Prepare your outline several days before the mediation so you have time to review it and make sure that it includes all of the points you want to talk about. (*Keep in mind that you may want to keep this list to yourself.*)
- ◆ You may want to bring papers that you think will be helpful to you during mediation. Organize them in a way that makes sense to you. You might want to bring copies of evaluations, the IEP, medical reports, or other information.
- ◆ The mediator will not review your documentation. This would be for your use only.

III. NEGOTIATE WITH A POSITIVE ATTITUDE

- ◆ Mediation is an opportunity for both parties to talk about any issues related to the student’s education program and make suggestions for the IEP team to accept.
- ◆ Look for creative solutions, brainstorm ideas.

- ◆ In developing an agreement, it is often advisable to start with a plan that might work (even though not your first choice) and then build on it or change it as needed, rather than stick to a single solution that is unacceptable to the other party.

IV. REMEMBER TO KEEP THE FOCUS ON THE STUDENT'S NEEDS

- ◆ Focus on the future, rather than the past.
- ◆ Focus on interests, rather than positions.
- ◆ Focus on the issues, rather than personalities.

V. RECOGNIZE THAT MEDIATION REQUIRES THE GIVE-AND-TAKE OF IDEAS

- ◆ Mediation can be a very creative process for the participants.
- ◆ One of the powerful aspects of mediation is that any concerns you have about your child's education are open for discussion, as long as both parties are willing to talk about the issues

WHAT IS THE ROLE OF THE PARENT AND SCHOOL STAFF?

THE PARENT(S) AND SCHOOL STAFF WILL:

- ◆ Approach the mediation in good faith with the intent of reaching an agreement.
- ◆ Recognize and respect the ground rules for mediation.
- ◆ Sign the Mediation Record form which confirms their attendance at mediation, as well as their agreement to keep all discussions confidential.
- ◆ Sign a Waiver stating they will not call the mediator as a witness in any legal proceeding concerning this dispute.
- ◆ Present their perspective, including all relevant information, at the request of the mediator.
- ◆ Ask for clarification whenever material or a point of discussion is not understood.
- ◆ Be active participants in the session and in the wording of the mediation agreement.
- ◆ Be available for the time that mediation is scheduled.
- ◆ Try to understand the characteristics of the dispute and discuss how to solve the problem.

FURTHER QUESTIONS?

ISBE'S MEDIATION COORDINATOR INFORMATION:

You may contact Sherry Colegrove, ISBE Mediation Coordinator, in *one* of the following ways:

- ◆ (866)262-6663 - toll-free for parents
- ◆ (217)782-5589 - main number
- ◆ Illinois State Board of Education, Special Education Division, 100 North First Street, N-253, Springfield, IL 62777-0001, or
- ◆ E-mail: scolegro@isbe.net